

BARNES & THORNBURG

NOV 02 2000

PATENT & TRADEMARK OFFICE

PATENT APPLICATION

#31508  
5/18/01  
1313 Merchants Bank Building  
11 South Meridian Street  
Indianapolis, Indiana 46204  
(317) 236-1313

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Group: Unknown

Attorney  
Docket: 7475-66667

Applicant: Carl T. Wittwer et al

Invention: Container for Carrying Out and  
Monitoring Biological Processes

Serial No: 09/631,339

Filed: August 3, 2000

Examiner: Unknown

Certificate Under 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231

on October 31, 2000

Chery Harkey

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Dated: October 31, 2000

TC 3700 MAIL ROOM

NOV - 6 2000

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INFORMATION DISCLOSURE STATEMENT

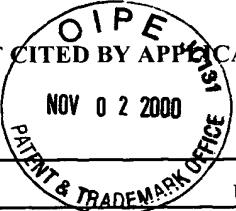
Assistant Commissioner  
for Patents  
Washington, D.C. 20231

Sir:

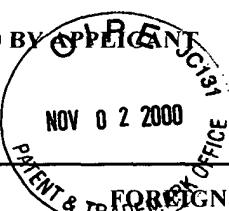
This statement is filed in the application identified above pursuant to 37 C.F.R. § 1.56. No representation is intended that a complete search has been made of the prior art or that no better art references than listed below are available. The filing of this Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in §1.56(b).

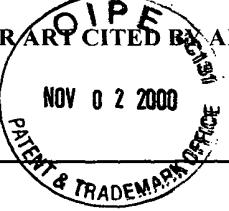
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Listed references AA to GQ were cited during prosecution of parent U.S. Application Serial No. 08/869,275, filed June 4, 1997, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Therefore, copies of the references are not required

PTO-1449		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. 7475-66667	SERIAL NO. 09/631,339		
<b>LIST OF PRIOR ART CITED BY APPLICANT</b>		 <b>APPLICANT</b> Carl T. Wittwer et al.		FILING DATE August 3, 2000	GROUP unknown		
				RECEIVED NOV -6 2000	C 3700 MAIL ROOM		
U.S. PATENT DOCUMENTS							
EXAMINER INITIALS		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	5,585,242	12/17/96	BOUMA ET AL.			
	AB	5,565,322	10/15/96	HELLER			
	AC	5,563,037	10/08/96	SUTHERLAND ET AL.			
	AD	5,455,175	10/03/95	WITTWER ET AL.			
	AE	5,436,134	07/25/95	HAUGLAND ET AL.			
	AF	5,425,921	06/20/95	COAKLEY ET AL.			
	AG	5,415,839	05/16/95	ZAUN ET AL.			
	AH	5,380,489	01/10/95	SUTTON ET AL.			
	AI	5,364,790	11/15/94	ATWOOD ET AL.			
	AJ	5,348,853	09/20/94	WANG ET AL.			
	AK	5,346,672	09/13/94	STAPLETON ET AL.			
	AL	5,333,675	08/02/94	MULLIS ET AL.			
	AM	5,316,913	05/31/94	BUTCHER ET AL.			
	AN	5,240,577	08/31/93	JORGENSEN ET AL.			
	AO	5,234,586	08/10/93	AFEYAN ET AL.			
	AP	5,187,084	02/16/93	HALLSBY			
	AQ	5,173,163	12/22/92	TEHRANI			
	AR	5,169,521	12/08/92	OKA ET AL.			
	AS	5,169,511	12/08/92	ALLINGTON ET AL.			
	AT	5,141,621	08/25/92	ZARE ET AL.			
	AU	5,137,695	08/11/92	RUSNAK ET AL.			
	AV	5,131,998	07/21/92	JORGENSEN ET AL.			
	AW	5,116,471	05/26/92	CHIEN ET AL.			
	AX	5,114,551	05/19/92	HJERTEN ET AL.			
	AY	5,038,852	08/13/91	JOHNSON ET AL.			
	AZ	4,981,801	01/01/91	SUZUKI ET AL.			
EXAMINER				DATE CONSIDERED			
<b>*EXAMINER:</b> Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

PTO-1449		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. 7475-66667	SERIAL NO. 09/631,339	RECEIVED NOV - 6 2003 MAIL ROOM	
LIST OF PRIOR ART CITED BY APPLICANT				APPLICANT Carl T. Wittwer et al.			
		NOV 02 2000 PATENT & TRADEMARK OFFICE 1991		FILING DATE August 3, 2000	GROUP unknown		
<b>PATENT DOCUMENTS</b>							
EXAMINER INITIALS		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	BA	4,965,188	10/23/90	MULLIS ET AL.			
	BB	4,902,624	02/20/94	COLUMBUS ET AL.			
	BC	4,889,818	12/26/89	GELFAND ET AL.			
	BD	4,868,103	09/19/89	STAVRIANOPoulos ET AL.			
	BE	4,865,986	09/12/89	COY ET AL.			
	BF	4,708,782	11/24/87	ANDRESEN ET AL.			
	BG	4,701,415	10/20/87	DUTTON ET AL.			
	BH	4,684,465	08/04/87	LEASEBURGE ET AL.			
	BI	4,683,202	07/28/87	MULLIS			
	BJ	4,683,195	07/28/87	MULLIS ET AL.			
	BK	4,675,300	06/23/87	ZARE ET AL.			
	BL	4,599,169	07/08/86	RAY			
	BM	4,481,405	11/06/84	MALICK			
	BN	4,468,423	08/28/94	HALL			
	BO	4,420,679	12/13/83	HOWE			
	BP	4,286,456	09/01/81	SISTI ET AL.			
	BQ	4,168,017	09/18/79	ANDERWALD			
	BR	4,038,055	07/25/77	VARANO ET AL.			
	BS	3,616,264	10/26/71	RAY ET AL.			
	BT	2,379,474	07/03/45	BRAMSON			
	BU	1,456,005	05/22/23	HARRIS			
	BV	1,006,767	10/24/11	MAUGER			
	BW	5,210,015	5/11/93	GELFAND ET AL.			
	BX	3,219,416	11/23/65	NATELSON			
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RECEIVED TC 3700 MAIL ROOM NOV -6 2000						
FOREIGN PATENT DOCUMENTS						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
CA	0 640 828 A1	08/16/94	EPO			
CB	0 488 769 A2	11/29/91	EPO			
CC	0 475 760 A2	09/12/91	EPO			
CD	0 459 241 A1	05/16/91	EPO			
CE	0 236 069 A2	02/25/87	EPO			
CF	0 229 943 A2	01/12/85	EPO			
CG	0 566 751	10/27/93	EPO			
CH	0 636 413	2/1/95	EPO			
CI	0 318 255	5/31/89	EPO			
CJ	0 674 009	9/27/95	EPO			
CK	0 404 258	12/27/90	EPO			
CL	0 686 699	12/13/95	EPO			
CM	0 643 140	3/15/95	EPO			
CN	3 808 942 A1	09/28/89	DE			
CO	6 212 986	03/23/87	JP (Abstract)			
CP	2 122 187	8/25/72	FR			
CQ	WO 95 13399	5/18/95	PCT			
CR	WO 95 21382	8/10/95	PCT			
CS	WO 96 06354	2/29/96	PCT			
CT	WO 96 00901	1/11/96	PCT			
CU	WO 95 32306	11/30/95	PCT			
CV	WO 95 30139	11/09/95	PCT			
CW	WO 92 20778	11/26/92	PCT			
CX	WO 89 09437	10/05/89	PCT			
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		FILING DATE August 3, 2000	GROUP unknown

**OTHER PRIOR ART (Including Author, Title, Pertinent Pages, Etc.)**

	DA	Barnes, W.M., "PCR Amplification of up to 35-kb DNA with High Fidelity and High Yield from $\lambda$ Bacteriophage Templates," <u>Proc. Natl. Acad. Sci. USA</u> , Vol. 91, pp. 2216-2220 (1994).
	DB	Brown, A.B., et al., "Rapid Cycle Amplification For Construction of Competitive Templates," <u>Genetic Engineering with PCR</u> , Edited by: Horton, R.M., Horizon Scientific Press, Wymondham, U.K., Chap. 4 (1997)
	DC	Cao, T.M., "A Simple and Inexpensive System to Amplify DNA by PCR," <u>BioTechniques</u> , Vol. 7, No. 6, pp. 566-67 (1989).
	DE	Cardullo, R.A., et al., "Detection of Nucleic Acid Hybridization by Nonradiative Fluorescence Resonance Energy Transfer," <u>Proc. Natl. Acad. Sci. USA</u> , Vol. 85, pp. 8790-94 (1988).
	DF	Cotton, R. G. H., "Detection of Single Base Changes in Nucleic Acids", <u>The Biochemical Journal</u> , Vol. 263, pp. 1-10, October 1, 1989.
	DG	Denton, P., et al., "A Low-Cost Air-Driven Cycling Oven," <u>PCR Protocols: A Guide to Methods and Applications</u> , Edited by M.A. Innis, et al., Academic Press, Inc., San Diego, Chap. 52, pp. 435-41 (1990).
	DH	Findlay, J.B., et al., "Automated Closed-Vessel System for in Vitro Diagnostics Based on Polymerase Chain Reaction," <u>Clinical Chemistry</u> , Vol. 39, No. 9, pp. 1927-33 (1993).
	DI	Ghosh, S.S., et al., "Real Time Kinetics of Reduction Endonuclease Cleavage Monitored by Fluorescence Resonance Energy Transfer," <u>Nucleic Acids Research</u> , Vol. 22, No. 15, pp. 3155-59 (1994).
	DJ	Goldner, H., "PCR update: New Techniques Multiply Uses," <u>R&amp;D Magazine</u> , Vol. 36, No. 4, pp. 55 (March 1994).
	DK	Graham, A., "A Haystack of Needles: Applying the Polymerase Chain Reaction," <u>Chemistry and Industry</u> , No. 18, pp. 718 (19 September 1994).
	DL	Gustafson, C.E., et al., "Effect of Heat Denaturation of Target DNA on the PCR Amplification," <u>Gene</u> , Vol. 123, pp. 241-44 (1993).
	DM	Higuchi, R., et al., "Simultaneous Amplification and Detection of Specific DNA Sequences," <u>Bio/Technology</u> , Vol. 10, pp. 413-17 (1992).
	DN	Higuchi, R., et al., "Kinetic PCR Analysis: Real-time Monitoring of DNA Amplification Reactions," <u>Bio/Technology</u> , Vol. 11, pp. 1026-30 (1993).
	DO	Hillen, W., et al., "High Resolution Experimental and Theoretical Thermal Denaturation Studies on Small Overlapping Restriction Fragments Containing the <i>Escherichia coli</i> Lactose Genetic Control Region," <u>The Journal of Biological Chemistry</u> , Vol. 256, No. 6, pp. 2761-2766 (1981).
	DP	Hiyoshi, M., et al., "Assay of DNA Denaturation by Polymerase Chain Reaction-Driven Fluorescence Resonance Energy Transfer," <u>Analytical Biochemistry</u> , Vol. 221, pp. 306-11 (1994).
	DQ	Hoffman, L.M., et al., "Use of a Gas Chromatograph Oven for DNA Amplification by the Polymerase Chain Reaction," <u>BioTechniques</u> , Vol. 6, No. 10, pp. 932-36 (1988).
	DR	Holland, P.M., et al., "Detection of Specific Polymerase Chain Reaction Product by Utilizing the 5' - 3' Exonuclease Activity of <i>Thermus Aquaticus</i> DNA Polymerase," <u>Proc. Natl. Acad. Sci. USA</u> , Vol. 88, pp. 7276-80 (1991).
	DS	Hopfenbeck, J.A., et al., "Digoxigenin-Labeled Probes Amplified from Genomic DNA Detect T-Cell Gene Rearrangements," <u>American Journal of Clinical Pathology</u> , Vol. 97, No. 5, pp. 638-44 (1992).

**EXAMINER****DATE CONSIDERED**

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<b>OTHER PRIOR ART (Including Author, Title, Pertinent Pages, Etc.)</b>					
DY	Ishiguro, T., et al., "Homogeneous Quantitative Assay of Hepatitis C Virus RNA by Polymerase Chain Reaction in the Presence of a Fluorescent Intercalater," <u>Analytical Biochemistry</u> , Vol. 229, pp. 207-13 (1995).				
DZ	Kang, J., et al., "Exact Quantification of DNA-RNA Copy Numbers by PCR-TGGE," <u>PCR Strategies</u> , Academic Press, Inc., Chap 15, pp. 189-98 (1995).				
EA	Ke, S., et al., "Influence of Nearest Neighbor Sequence on the Stability of Base Pair Mismatches in Long DNA: Determined by Temperature-Gradient Gel Electrophoresis," <u>Nucleic Acids Research</u> , Vol. 21, No. 22, pp. 5137-43 (1993).				
EB	Lee, L.G., et al., "Allelic Discrimination by Nick-Translation PCR with Fluorogenic Probes," <u>Nucleic Acids Research</u> , Vol. 21, No. 16, pp. 3761-66 (1993).				
EC	Linz, U., "Thermocycler Temperature Variation Invalidates PCR Results," <u>Biotechniques</u> , Vol. 9, No. 3, pp. 286-90 (1990).				
ED	Livak, K.J., et al., "Oligonucleotides with Fluorescent Dyes at Opposite Ends Provide a Quenched Probe System Useful for Detecting PCR Product and Nucleic Acid Hybridization," <u>PCR Methods and Applications</u> , Vol. 4, pp. 357-62 (1995).				
EE	Livak, K.J., "Quantitation of DNA/RNA Using Real-Time PCR Detection," <u>Perkin-Elmer Applied Biosystems Report</u> (1996).				
EF	Morrison, L.E., "Detection of Energy Transfer and Fluorescence Quenching," <u>Nonisotopic DNA Probe Techniques</u> , Edited by: Larry J. Kricka, Academic Press, Inc., San Diego, Chap. 13, pp. 311-52 (1992).				
EG	Morrison, L.E., et al., "Sensitive Fluorescence-Based Thermodynamic and Kinetic Measurements of DNA Hybridization in Solution," <u>Biochemistry</u> , Vol. 32, pp. 3095-3104 (1993).				
EH	Nilsson, P., et al., "Real-Time Monitoring of DNA Manipulations Using Biosensor Technology," <u>Analytic Biochemistry</u> , Vol. 224, pp. 400-408 (1995).				
EI	Oste, C.C., "PCR Instrumentation: Where Do We Stand?," <u>The Polymerase Chain Reaction</u> , Edited by Mullis, et al., Birkhauser, Boston, Chap. 14 (1994).				
EJ	Perry, R.H., et al., "Heat Transmission by Radiation," <u>Chemical Engineers' Handbook</u> , 5th ed., McGraw Hill Book Co., New York, Chap. 10, pp. 48-56 (????).				
EK	Ririe, K.M., et al., "Product Differentiation by Analysis of DNA Melting Curves during the Polymerase Chain Reaction," <u>Analytical Biochemistry</u> , Vol. 254, pp. 154-160 (1997).				
EL	Segal, G.H., et al., "Identification of Monoclonal B-cell Populations by Rapid Cycle Polymerase Chain Reaction," <u>The American Journal of Pathology</u> , Vol. 141, No. 6, pp. 1291-97 (1992).				
EM	Service, R.E., "The Incredible Shrinking Laboratory: Microchips Allow Miniaturization of Analytical Laboratories," <u>Science</u> , Vol. 268, No. 5207, pp. 26 (7 April 1995).				
EN	Stimpson, D.I., "Real-time Detection of DNA Hybridization and Melting on Oligonucleotide Arrays by Using Optical Wave Guides," <u>Proc. Natl. Acad. Sci. USA</u> , Vol. 92, pp. 6379-83 (1995).				
EO	Swerdlow, H., et al., "Fully Automated DNA Reaction and Analysis in a Fluidic Capillary Instrument," <u>Anal. Chem.</u> , Vol. 69, pp. 848-855 (1997).				
EP	Tombler, E.R., et al., "Spectrofluorometric Assay for Hybridization of Oligodeoxynucleotides Using Ethidium Dimer," <u>BioTechniques</u> , Vol. 15, No. 6, pp. 1060-64 (1993).				
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		FILING DATE August 3, 2000	GROUP unknown	
<b>OTHER PRIOR ART (Including Author, Title, Pertinent Pages, Etc.)</b>				
EQ	Tyagi, S., et al., "Molecular Beacons: Probes that Fluoresce upon Hybridization," <u>Nature Biotechnology</u> , Vol. 14, pp. 303-08 (1996).			
ER	Weis, J.H., et al., "Detection of Rare mRNAs via Quantitative RT-PCR," <u>Trends in Genetics</u> , Vol. 8, No. 8, pp. 263-64 (1992).			
ES	Wilding, et al., "PCR in Silicon Microstructure," <u>Clinical Chemistry</u> , Vol. 40, No. 9, pp. 1815-18, (1994).			
ET	Willard, H.H., et al., "Gas Chromatography," <u>Instrumental Methods of Analysis</u> , 6th ed., Wadsworth Publishing Co., Belmont, CA, Chap. 16, pp. 454 (????).			
EU	Wittwer, C.T., et al., "Minimizing the Time Required for DNA Amplification by Efficient Heat Transfer to Small Samples," <u>Analytical Biochemistry</u> , Vol. 186, pp. 328-31 (1990).			
EV	Wittwer, C.T., et al., "Automated Polymerase Chain Reaction in Capillary Tubes with Hot Air," <u>Nucleic Acids Research</u> , Vol. 17, No. 11, pp. 4353-4357 (1989).			
EW	Wittwer, C.T., et al., "Rapid Cycle DNA Amplification: Time and Temperature Optimization," <u>BioTechniques</u> , Vol. 10, No. 1, pp. 76-83 (1991).			
EX	Wittwer, C.T., et al., "Rapid Cycle Allele-Specific Amplification: Studies with the Cystic Fibrosis ΔF <sub>508</sub> Locus," <u>Clinical Chemistry</u> , Vol. 39, No. 5, pp. 804-809 (1993).			
EY	Wittwer, C.T., et al., "Rapid Cycle DNA Amplification," <u>The Polymerase Chain Reaction</u> , Edited by: Mullis, et al., Birkhauser, Boston, Chap. 15 (1994).			
EZ	Wittwer, C.T., et al., "Continuous Fluorescence Monitoring of Rapid Cycle DNA Amplification," <u>BioTechniques</u> , Vol. 22, pp. 130-138 (1997).			
FA	Wittwer, C.T., et al., "The LightCycler: A Microvolume Multisample Fluorimeter with Rapid Temperature Control," <u>BioTechniques</u> , Vol. 22, pp. 176-181 (1997).			
FB	Wittwer, C.T., et al., "Fluorescence Monitoring of Rapid Cycle PCR For Quantification," <u>Gene Quantification</u> , Edited by: Ferre, F., Birkhauser, Boston (1998).			
FC	Yguerabide, J., et al., "Quantitative Fluorescence Method for Continuous Measurement of DNA Hybridization Kinetics Using a Fluorescent Intercalator," <u>Analytical Biochemistry</u> , Vol. 228, pp. 208-20 (1995).			
FD	Biotherm Corporation Advertisement, BioOven (1991).			
FE	Ericomp Advertisement, Twinblock System (1991).			
FF	Techne Advertisement, PHC-1 Dri-Block (1988).			
FG	Hybaid Advertisement, Hybaid Heating and Cooling Block (1988).			
FH	Eppendorf Advertisement, Eppendorf MicroCycler (1988).			
FI	COY Advertisement, Tempcycler Model 50 Microtube Incubator (1991)			
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		FILING DATE August 3, 2000	GROUP unknown	
<b>OTHER PRIOR ART (Including Author, Title, Pertinent Pages, Etc.)</b>				
FJ		Idaho Technology Advertisement and Specification Sheets for 1605 Product (1991).		
FK		Perkin-Elmer Advertisement, ABI Prism 7700 Sequence Detection System (1991).		
FL		Clark, et al., "Cassettes Simplify Small-sample Dialysis," R&D Magazine, p.31, September 1995.		
FM		"Let the Microchip Fall Where Diagnostics Lies: Implications: A Diagnostic Revolution?," Genesis Report-Dx, Vol. 4, No. 3 (1994).		
FN		"Let the Microchip Fall Where Diagnostics Lies: Implications: Affymetrix: DNA on a Chip," Genesis Report-Dx, Vol. 4, No. 3 (1994).		
FO		"PCR Detection Blows Cover on Lyme Disease, Q Fever," Biotechnology Newswatch, Vol. 10, No. 1 (Jan. 1, 1990).		
FP		Schoffner et al., "Chip PCR. I. Surface passivation of microfabricated silicon-glass chips or PCR", Nucleic Acids Research,, Vol. 24, No. 2, pp. 375-379, 1996.		
FQ		Cheng et al., "Chip PCR. II. Investigation of different PCR amplification systems in microfabricated silicon-glass chips", Nucleic Acids Research, Vol. 24, No. 2, pp. 380-385, 1996.		
FR		Operation manual for HP-5880A Gas Chromatograph		
FS		Operation manual for the MIC 6000		
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<b>U.S. PATENT DOCUMENTS</b>							
*Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
	GA	3,556,659	Jan. 19, 1971	R.C. Hawes			
	GB	4,908,112	Mar. 13, 1990	Pace			
	GC	5,599,504	Feb. 4, 1997	Hosoi et al.			
	GD						
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<b>FOREIGN PATENT DOCUMENTS</b>							
		Document Number	Date	Country	Class	Subclass	Translation
	GL	0 171 140 A2	Feb. 12, 1986	EPO			Yes
	GM	0 211 334 A1	Feb. 25, 1987	EPO			No
	GN	0 519 623 A2	Dec. 23, 1992	EPO			
	GO	0 580 362 A1	Jan. 26 1994	EPO			
	GP	528259	Apr. 21, 1983	Australia			
	GQ	WO 95/21266	Aug. 10, 1995	PCT			
<b>OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)</b>							
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	GS						
	GT						
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